

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

RELIANCE TELEPHONE OF GRAND FOLKS INCORPORATED and RELIANCE SYSTEMS, INC., Plaintiffs, v. YANKTON COUNTY, SOUTH DAKOTA and NETWORK COMMUNICATIONS INTERNATIONAL CORP., Defendants.	Case No.: 4:24-cv-04098 NCIC’S PARTIAL OBJECTION TO COURT ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION TO COMPEL
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Defendant Network Communications International Corp. (“NCIC”), through its undersigned attorney, respectfully submits this PARTIAL OBJECTION TO COURT ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION TO COMPEL.

NCIC submits one, narrow objection to the Court’s Order dated May 20, 2025. (Doc. 85). The document identified as NCIC-012271 contains an email NCIC claims is privileged. That email was not included in the Appendix to the Court’s Order in the document identified as NCIC-012271. (Doc. 85). However, that same email is included in the Appendix as part of the following documents: NCIC-011058, NCIC-011090, NCIC-011811, NCIC-011846, and NCIC-011848. (Doc. 85). NCIC objects to this NCIC-012271 being omitted from the Appendix because that same email was included in the Appendix in five other instances and there is nothing in NCIC-012271 that is materially different from the other five instances in which the Court determined that email was privileged.

The email in question is labeled as “Email at 11:15 a.m. on December 21, 2023, from Kerr to Klimish, Chrissy, and Harrie.” (Doc. 85). It is listed as the second item on the Appendix. There

is a footnote that includes the four other documents containing that same email. NCIC believes NCIC-012271 should be included in the footnote with the four other documents previously identified in this objection – NCIC-011090, NCIC-011811, NCIC-011846, and NCIC-011848.

For the reasons stated herein, NCIC respectfully requests the Court reconsider including the privileged email contained in NCIC-012271 to the Appendix. NCIC makes no other objections to the Court's Order. At the time of this filing, NCIC has produced all other documents as set forth in the the Court's Order.

Dated: June 3, 2025.

/s/ Nicholas G. Moser

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2025, the foregoing ***NCIC'S PARTIAL OBJECTION TO COURT ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO COMPEL*** was served via CM/ECF to all parties on the service list who have registered to receive service by e-mail over CM/ECF.

/s/ Nicholas G. Moser

Nicholas G. Moser